

The City of Lee's Summit
Action Letter
City Council - Regular Session

Tuesday, June 6, 2023

6:00 PM

City Council Chambers
and Via Video Conference
220 SE Green Street
Lee's Summit, MO 64063

REGULAR SESSION NO. 40

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, June 6, 2023 at 6:00 pm in person and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172. Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Monday, June 5, 2023, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method. The meeting may be viewed on the City's website at WatchLS.net, and on various cable providers (Spectrum Channel 2, AT&T U-Verse Channel 99 and Comcast Channel 7).

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Baird called Regular Session No. 40 to order at 6:02 pm.

- D. Roll Call

Councilmember Felker arrived at 6:56pm

Present: 9 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Faith Hodges
Councilmember Beto Lopez
Councilmember John Lovell
Councilmember Mia Prier
Councilmember Hillary Shields

1. Approval of Agenda

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to approve the agenda as published. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, to approve the Consent Agenda, Items 2.A. - & 2.D. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

A. [2023-5583](#) Approval of City Council Action Letter from May 16, 2023.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, to approve the City Council Action Letter from May 16, 2023 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

**B. [2023-5685](#) Mayor's Appointments to the Cultural Commission (Simple majority):
Stephanie Smith, Carlethia Thomas, Cole Soucie, for one-year terms to expire 6-6-24
James Hennequin, Gary Keshner, Alexis Allen, for two-year terms to expire 6-6-25
Bernadette Basham, Sara Taylor, Jeanine Thill and Erlene Flowers, for three-year terms to expire 6-6-26**

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, to approve the Mayor's Appointment to the Cultural Commission (two-thirds vote required). The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

- C. [2023-5697](#) Mayor's Appointments to the Cultural Commission (two-thirds vote required):
Hunter Gale for a one-year term to expire 6-6-24
Bruce McClain for a two-year term to expire 6-6-25

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, to approve the Mayor's Appointments to the Cultural Commission (simple majority vote required). The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

- D. [BILL NO. 23-104](#) An Ordinance approving the Real Estate Sale Agreement between Southwestern Bell Telephone Company and the City of Lee's Summit, Missouri, for acquisition of property for the Downtown Market Plaza Project.

(Note: First read by Council on May 16, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, that this Ordinance be adopted and numbered. Ord. No. 9676 The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

3. Council Roundtable

Councilmember Prier thanked all the volunteers, Mr. Donnie Rodgers, Abundant Life Church as well as the Lee's Summit Police Department and Lee's Summit Fire Department for all their hard work in making Downtown Days a huge success.

Councilmember DeMoro noted that today, June 6, 2023 is the 79th anniversary of D-Day (Storm on Normandy) and he wanted to thank and honor those who served.

Mayor Baird stated the school district (Blue Springs school) advised the City of Lee's Summit their student, Garret Fry, is in the quarter finals of the Scripps National Spelling Bee.

4. Public Hearings:

- A. [2023-5526](#) Public Hearing: Application #PL2022-314 - Preliminary Development Plan - Arborwalk West, 3640 SW Arboridge Road; Christie Development Associates, LLC, applicant.

Mr. Shannon McGuire, Planner, entered Exhibits 1-21 into the record.

Council discussion included:

- Valvoline commitment
- Buffer on church access road on development side
- Daycare distance from oil change location / gas station
- Stormwater concerns – Raintree Lake
- Stormwater detainment requirements / flow
- Traffic Considerations / Traffic Signal
- Sales tax on parts / sales

No one was present to speak in favor of or in opposition to this application.

- 1) [BILL NO. 23-105](#) An Ordinance approving a Preliminary Development Plan on land located at 3640 SW Arboridge Road in District PMIX, all in accordance with the provisions of Unified Development Ordinance, Chapter 33, of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on June 6, 2023.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, that Bill No. 23-105 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Shields

Nay: 1 - Councilmember Prier

Absent: 1 - Councilmember Felker

- B. [2023-5615](#) Public Hearing: Application #PL2023-056 - Rezoning from CP-2 and CS to PMIX and Preliminary Development Plan - Colbern Road Investments - Conceptual Site Plan, 900 NE Colbern Road; Engineering Solutions, LLC, applicant.

Mr. Shannon McGuire, Planner, entered Exhibits 1-19 into the record.

Council discussion included:

- Traffic Considerations - Requirements
- Future Development impact of Fire Station No. 2

- Road alignment
- Traffic signals / Access points

Mr. Floyd Roberts and Ms. Carla McCulley, 1150 NE Colbern Road, spoke on this matter wanting to verify he would still be zoned commercial for his 2-acre property located next to the church.

No one was present to speak in favor of or in opposition to this application.

This Public Hearing - Sworn was presented.

- C. [2023-5617](#) Public Hearing: Application #PL2023-057 - Preliminary Development Plan - Senior Living Facility, 900 NE Colbern Road; Engineering Solutions, LLC, applicant.

(Councilmember Felker present at 6:56pm.)

Mr. Shannon McGuire, Planner, entered Exhibits 1-18 into the record.

Council discussion included:

- Impact on Fire Department - Demands
- Walking Trail / Connectivity on properties
- Detention Basin(s)
- Access
- Traffic
- 55+ Areas
- Environmental studies

Ms. Carla McCulley, 1150 NE Colbern Road, ponds were off chutes of RB Rice chemicals. However, the area still has a lot of wildlife and the wildlife uses those ponds. She was not in favor or in opposition to this application.

No one was present to speak in favor of or in opposition to this application.

This Public Hearing - Sworn was presented.

- D. [2023-5665](#) Public Hearing: Colbern Ridge LCRA Redevelopment Plan; Colbern-Rice Investments, LLC, applicant

Mr. David Bushek, Chief Counsel of Economic Development and Planning, entered Exhibits 1-12 into the record. Additionally Exhibit 13, all testimony from the first two Public Hearings as they pertain to this application.

Council discussion included:

- Long term PRI property implications
- Pump stations / costs
- LCRA Funds

- True Incentives
- Rate of return

No one was present to speak in favor of or in opposition to this application.

This Public Hearing - Legislative was presented.

- E. [2023-5678](#) Public Hearing: Colbern Ridge Community Improvement District; Colbern-Rice Investments, LLC, applicant

Mr. David Bushek, Chief Counsel of Economic Development and Planning, entered Exhibits 1-13 into the record. Additionally Exhibit 14, all testimony from the first three Public Hearings as they pertain to this application.

Council discussion included:

- No council discussion

No one was present to speak in favor of or in opposition to this application.

This Public Hearing - Legislative was presented.

- 1) [BILL NO. 23-106](#) An Ordinance approving rezoning from District CP-2 (Planned Community Commercial District) and CS (Planned Commercial Services District) to District PMIX (Planned Mixed Use District) and Conceptual Preliminary Development Plan for land located at 900 NE Colbern Road, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lovell, that Bill No. 23-106 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- 2) [BILL NO. 23-107](#) An Ordinance approving a Preliminary Development Plan for Colbern Road Investments - Senior Living Facility on land located at 900 NE Colbern Road, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
- (Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Hodges, that Bill No. 23-107 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- 3) [BILL NO. 23-108](#) An Ordinance approving the Colbern Ridge Land Clearance for Redevelopment Authority (LCRA) Redevelopment Plan.
(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Prier, that Bill No. 23-108 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- 4) [BILL NO. 23-109](#) An Ordinance approving the Petition for Formation of the Colbern Ridge Community Improvement District.
(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 23-109 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

5. Public Comments:

Ms. Tracee Palen spoke for herself and her husband, Mr. Kyle Massey, regarding their concern for the Sidewalk Gap Project planned for their home in Cedar Creek Estates. The proposed project would require replacing 75% of their driveway and putting concrete piers on the property. She asked for assistance to find available options for them to work with staff to find a better solution for everyone involved. Mayor Baird advised someone from staff would be in contact with them.

6. Resolutions:

- A. [RES. NO. 23-14](#) A Resolution adopting the FY2024 - FY2028 Capital Improvement Plan

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Resolution No. 23-14 be adopted. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- B. [RES. NO. 23-15](#) A Resolution authorizing the Mayor to appoint successor directors to the Chapel Ridge Community Improvement District.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Resolution No. 23-15 be adopted. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- C. [RES. NO. 23-16](#) A Resolution authorizing the Mayor to appoint successor Directors to the Ritter Plaza Community Improvement District.

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Resolution No. 23-16 be adopted. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

7. Proposed Ordinances - First Reading:

- A. [BILL NO. 23-110](#) An Ordinance vacating certain easements located at 1901 SW River Run Road in the City of Lee's Summit, Missouri.

(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 23-110 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- B.** [BILL NO. 23-111](#) An Ordinance vacating certain easements located at 800 NW Ward Road in the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Edson, that Bill No. 23-111 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- C.** [BILL NO. 23-112](#) An Ordinance accepting Final Plat entitled, "Lumberman's Row, Lots 1-18 and Tracts A thru C", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Felker, that Bill No. 23-112 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- D.** [BILL NO. 23-113](#) An Ordinance accepting Final Plat entitled, "The Falls at Winterset, 1st Plat, Lots 1500-1519 and Tracts A & B", as a subdivision to the City of Lee's Summit, Missouri.

(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 23-113 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- E.** [BILL NO. 23-114](#) An Ordinance accepting Final Plat entitled, "Town Centre Logistics, Lot 1 & Tract A", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on June 6, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Hodges, that Bill No. 23-114 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- F.** [BILL NO. 23-115](#) An Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, storm water and additional pedestrian amenities associated with the proposed 3rd Street Improvements from Blue Parkway to Jefferson Street Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

(Note: First read by Council on June 6, 2023. Passed by unanimous vote with one recusal.)

ACTION: Councilmember Felker advised he would be rescusing himself on this matter due to a conflict of interest. A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 23-115 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Recused: 1 - Councilmember Felker

8. Committee Reports

Councilmember Edson stated the Community and Economic Development Committee would meet next Wednesday, June 14, 2023 at 5:00pm.

9. Council Comments:

Councilmember Prier noted that there have been several successful efforts to clean up the litter in Lee's Summit, but asked if there was a long-term plan or if there would be more fines placed on those who litter?

Mr. Mark Dunning, City Manager, stated there is a team of individuals working together to come up with a long-term plan for reducing the amount of litter in the City. They are looking at ways to enforce litter control and fines for littering. It will be brought back to Council at a later date.

Councilmember Prier also asked the status of burying utilities along Third Street.

Staff advised this had been assigned to the Public Works Committee and would be discussed later this month.

Councilmember Lovell asked about the recent shooting at Lee McKeighan Park and what the city had planned to help support the prosecution of those individuals and support the Lee's Summit Police Department.

Mr. Travis Forbes, Police Chief, stated 15 individuals have been identified in this case and will be facing prosecution by the Jackson County Courts. The Police Department is continuing to have a noticeable presence and to patrol the parks. Mr. Joe Snook, Administrator of Parks & Recreation, stated there is now private security at the local parks as well for increased security and safety of citizens. Councilmember Pier asked who was paying for the private security. Mr. Snook advised that was being paid for by the Parks and Recreation Department.

Mayor Baird stated that June is budget month and there are a lot of items moving forward. At this time there is no plan to hold a Council meeting on the 4th Tuesday of June, but it remains a possibility.

10. Staff Roundtable

Mr. Mark Dunning, City Manager, advised the amendment to the Development Agreement with Paragon Star was moving forward. The conditions have been met and a temporary Certificate of Occupancy has been issued. This item will continue to move forward and Paragon Star continues to meet the conditions of their agreement with the City.

Mayor Baird advised the July 8, 2023 Council meeting has been set aside for a Work Session for Economic Development with community partners.

11. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 40 at 8:55 pm.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"